

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

UNITED STATES OF AMERICA) MATTICE/STEGER
)
v.) CASE NO. 1:15-CR-12
)
BRIAN KEITH SMART)

O R D E R

On September 22, 2015, Magistrate Judge Christopher H. Steger filed a Report and Recommendation recommending (a) the Court accept Defendant's plea of guilty to the lesser included offense in Count Two of the Superseding Indictment, conspiracy to distribute and possess with intent to distribute a mixture and substance containing methamphetamine, a Schedule II controlled substance, in violation of 21 USC §§ 846 and 841(b)(1)(C), in exchange for the undertakings made by the government in the written plea agreement; (b) the Court adjudicate Defendant guilty of the charges set forth in the lesser included offense in Count Two of the Superseding Indictment; (c) that a decision on whether to accept the plea agreement be deferred until sentencing; and (d) Defendant shall remain in custody pending sentencing in this matter (Doc. 204). Neither party filed an objection within the given fourteen days. After reviewing the record, the Court agrees with the magistrate judge's report and recommendation. Accordingly, the Court **ACCEPTS** and **ADOPTS** the magistrate judge's report and recommendation pursuant to 28 U.S.C. § 636(b)(1) and **ORDERS** as follows:

(1) Defendant's plea of guilty to the lesser included offense in Count Two of the Superseding Indictment, in exchange for the undertakings made by the government in the written plea agreement, is **ACCEPTED**;

(2) Defendant is hereby **ADJUDGED** guilty of the charges set forth in the lesser included offense in Count Two of the Superseding Indictment;

(3) A decision on whether to accept the plea agreement is **DEFERRED** until sentencing; and

(4) Defendant **SHALL REMAIN IN CUSTODY** pending sentencing on **Monday, March 7, 2016, at 9:00 am.**

SO ORDERED.

ENTER:

/s/ Harry S. Mattice, Jr.

HARRY S. MATTICE, JR.
UNITED STATES DISTRICT JUDGE